

AO 91 (Rev. 08/09) Criminal Complaint

Brown

## UNITED STATES DISTRICT COURT

for the

Western District of Texas

2010 JUL 14 AM 9:43

CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY

United States of America

v.

Jose MARTINEZ and Hector YANEZ

Houston, Tx

Case No. 782095-10-0028

A 10-M-560

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 29, 2010 in the county of Washington in the  
Western District of Texas, the defendant(s) violated:

## Code Section

Title 18 U.S.C., Section 922 (g) (5)

## Offense Description

Illegal alien in possession of ammunition

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Marquez  
Complainant's signature  
Jovianne Marquez-Special Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date:

7/14/10

City and state:

Austin, TX

Andrew W. Austin  
Judge's signature

ANDREW W. AUSTIN

United States Magistrate Judge

Printed name and title

### AFFIDAVIT

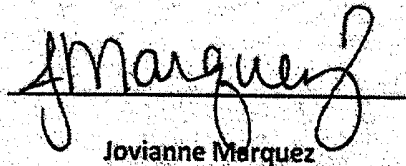
The facts establishing the foregoing issuance of an arrest warrant are based on the following:

I, Special Agent Jovianne Marquez, affiant, do hereby depose and state the following:

1. I am a Special Agent (SA) of the United States Department of the Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since October 2009. Prior to my employment with ATF, I was employed through the State of Texas as a Child Protective Services Investigator for approximately a year and a half. I maintain a Bachelors Degree in Sociology from the University of Texas and have completed all the required training for the ATF at the ATF National Academy located at the Federal Law Enforcement Training Center.
2. My duties include the investigation of violations of the federal firearm laws. I know it to be unlawful for any person who illegally or unlawfully enters the United States to be in possession of ammunition, which has traveled in interstate or foreign commerce.
3. On June 30, 2010, I spoke with Department of Public Safety (DPS) Investigator Rebecca Salazar, who informed me that on June 29, 2010, Trooper Ross Bates pulled Jose Daniel MARTINEZ (W/M, DOB: , FBI#: , SID#: TX ( , TXDL#: , 5'1", 113lbs., black hair, black eyes) over for a traffic violation, for which he was arrested for Driving Without a License, while the passenger, Hector YANEZ (W/M, DOB#: , FBI#: , ID#: , 5'8", 145lbs., black hair, brown eyes) was arrested for Public Intoxication. During an inventory of the vehicle, Trooper Bates found over 20,000 rounds of ammunition, which included 10,000 rounds of Brown Bear .223 caliber ammunition, that was purchased from Ammunition to Go, located at 6360 FM 50, Brenham Texas. Salazar added that both men only spoke Spanish. During an interview conducted by Salazar, both admitted to being in the United States illegally. Salazar added that MARTINEZ and YANEZ stated they were taking the ammunition to Houston, Texas in order to sell it at a flea market.
4. On the same date, I spoke with Jason Smith and Jennifer Hueske, employees of Ammunition to Go. They stated MARTINEZ and YANEZ came into the store with an unknown Hispanic male, later identified as Dorian Gonzalez. Jennifer Hueske stated Dorian Gonzalez paid cash for the ammunition which was then loaded into MARTINEZ's vehicle.
5. On July 6, 2010, I spoke with Immigration Custom Enforcement (ICE) Special Agent Dirk Daniel, who stated MARTINEZ and YANEZ were currently in the United States illegally.
6. On July 7, 2010 I interviewed MARTINEZ, who stated he and YANEZ came up with the idea to purchase ammunition and sell it at the flea market. He had

attempted to purchase ammunition at various locations in Houston, but they required identification, which he didn't have, due to being in the United States illegally. MARTINEZ stated they brought Dorian Gonzalez with them, so he could use his identification to purchase the ammunition for them.

7. On the same date, I interviewed YANEZ, who stated he was in the United States illegally, and that he had been deported in 1999. He stated it was his and MARTINEZ's idea to purchase ammunition and sell it at a flea market. YANEZ stated they used Dorian Gonzalez to purchase the ammunition because he had the required identification.
8. On July 13, 2010, I spoke with ATF SA Greg Alvarez, a certified interstate nexus expert, who stated the Brown Bear .223 caliber ammunition was manufactured outside the state of Texas, therefore, the ammunition previously traveled in interstate or foreign commerce at some time prior to being possessed by any person in the state of Texas.
9. On July 13, 2010, I received U.S. Department of Homeland Security I 213 form referencing Jose Daniel MARTINEZ HERNANDEZ. The form states his country of citizenship as Mexico and his alien number as A
10. On July 13, 2010, I received U.S. Department of Homeland Security I 213 form referencing Hector YANEZ CORONADO. The form states his country of citizenship as Mexico and his alien number as A
11. Based on the foregoing facts, I believe that probable cause exists for the issuance of an arrest warrant for Jose MARTINEZ and Hector YANEZ, charging them with violations of 18 USC 922(g)(5).



Jovianne Marquez

Special Agent, ATF

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE



United States Magistrate Judge

7/14/10

DATE